



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 15, 2021

The Honorable Elsie Arntzen  
Superintendent of Public Instruction  
Montana Office of Public Instruction  
P.O. Box 202501  
Helena, MT 59620

Dear Superintendent Arntzen:

Thank you for your letter of January 12, 2021, in which the Montana Office of Public Instruction (OPI) requested that the U.S. Department of Education (Department) waive the same requirements in the Elementary and Secondary Education Act of 1965 (ESEA) regarding statewide assessments, accountability, and related State and local reporting for the 2020-2021 school year that the Department granted the OPI for the 2019-2020 school year. The OPI is requesting this extension due to the impact of the novel Coronavirus disease 2019 (COVID-19) and the State's desire to focus on other related challenges currently affecting Montana's students and education system.

While the Department acknowledges the challenges facing all States, districts, and schools during the 2020-2021 school year due to COVID-19, the assessment, accountability, and reporting elements are central to the purpose of the ESEA in general and to Title I of the ESEA in particular. For example, ESEA section 1001 defines the purpose of Title I to "to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps." A continued lack of actionable information produced by the assessment, accountability, and reporting requirements of Title I would impede achieving its purpose.

As noted in former Secretary DeVos' letter on [September 3, 2020](#), to Chief State School Officers, the ESEA's assessment, accountability, and reporting requirements provide essential data for parents, teachers, school leaders, and the public about how public schools are performing. This information also allows States to provide the necessary supports and allocate resources to support those students and schools that are most in need. Therefore, after reviewing the Montana OPI's waiver request, I am declining to approve these requests under my authority in ESEA section 8401(b)(4). We do not think it prudent to waive these requirements in the 2020-2021 school year, which would result in parents and the public not having data on how well students are doing at mastering a State's content for each tested grade and subject for a second consecutive year. This request is inconsistent with the purposes of the ESEA and does not demonstrate how the waiver will maintain or improve transparency in reporting to parents and the public on student achievement and school performance and advance student academic achievement. While we recognize that schooling looks different than in a regular school year, there remains tremendous value in the assessment and accountability data to illustrate where individual students, groups of students, and schools will need support in the following school year in order to help ensure that all children receive a fair, equitable, and high-quality education and to close achievement gaps.

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As we move into the second part of the 2020-2021 school year, the Department will continue to partner with States to address the challenges posed by COVID-19 as they arise. We recognize that, due to the unique circumstances that may arise as a result of COVID-19, such as a school's closing during the entire testing window, it may not be feasible to administer some or all of its assessments in that school. In such a case, the Department would consider a targeted one-year waiver of the assessment requirements for those schools.

In response to the Department's denying Montana OPI's waiver requests, OPI may revise its waiver requests, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements of section 8401(b)(1) and resubmit the revised waiver requests. In addition, in its resubmission, OPI will need to demonstrate that it met the requirement in ESEA section 8401(b)(3) to provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request. If OPI decides to resubmit, it must do so no later than 60 days from the date of this letter.

Thank you for the work you are doing on behalf of Montana's students, especially during this time of COVID-19. If there are any questions about this decision, please contact my staff at: [OESE.titlei-a@ed.gov](mailto:OESE.titlei-a@ed.gov).

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

cc: Sarah Swanson, Chief of Staff, Montana Office of Public Instruction